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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A.;

Plaintiff,

vs.

SATICOY BAY LLC SERIES 43  
PANGLOSS; ABSOLUTE COLLECTION  
SERVICES, LLC; PALM HILLS  
HOMEOWNERS ASSOCIATION, INC.;

Defendants.

Case No.: 2:17-cv-01604-APG-GWF

**STIPULATION TO SUBSTITUTE  
NATIONSTAR MORTGAGE LLC IN  
PLACE OF CURRENT PLAINTIFF  
WELLS FARGO BANK, N.A. AND TO  
PERMIT PLAINTIFF TO FILE AN  
AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil Procedure 15(a), 17(a), and 25(c), by and between Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) and Defendants Saticoy Bay LLC Series 43 Pangloss (“Saticoy Bay”), Absolute Collection Services, LLC (“Absolute”), and Palm Hills Homeowners Association, Inc. (the “HOA”), by and through their respective undersigned counsel of record, that Nationstar Mortgage LLC, d/b/a Champion Mortgage Company (“Nationstar”) be substituted as a Plaintiff in place of Wells Fargo and permitting Nationstar to file the amended complaint attached hereto as **Exhibit**

**1.**

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## STIPULATION

### **I. STATEMENT OF RELEVANT FACTS**

On or about October 22, 2010, Avram Indig and Elizabeth Indig, trustees of The Indig Family Trust Agreement, dated December 10, 1987 (collectively, “Borrower”) obtained a home equity conversion loan up to a maximum principal amount of \$244,500.00 from Wells Fargo and executed an Closed-End Fixed Rate Home Equity Conversion Deed of Trust (“Deed of Trust”) against their property located at 43 Pangloss Street, Henderson, Nevada 89002, APN 179-30-418-002 (the “Property”). The Deed of Trust was recorded in the Recorder’s Office on October 27, 2010, and named Avram Indig and Elizabeth Indig, trustees of The Indig Family Trust Agreement, dated December 10, 1987 as borrowers and Wells Fargo as lender and beneficiary of record. Wells Fargo is the successor by merger to WFHM.

Wells Fargo filed the above-captioned lawsuit on June 8, 2017. Wells Fargo claims to have been the servicer of the loan until September 1, 2017 when servicing rights transferred to Nationstar. Accordingly, on or about September 5, 2017, an assignment of the Deed of Trust from Wells Fargo to Nationstar was recorded. A true and correct copy of the Assignment of Deed of Trust is attached hereto as **Exhibit 2**.

The Parties now wish to substitute Nationstar as a real party in interest in place and stead of the current Plaintiff, Wells Fargo. Additionally, the Parties stipulate and agree that the caption of this matter should be amended, and that the complaint may be amended to substitute Nationstar and to address the legal issues relating to the claims in the original complaint, which the Parties have previously discussed.

### **II. LEGAL BASIS FOR SUBSTITUTION OF PARTIES**

Federal Rule of Civil Procedure (“FRCP”) 17(a) requires that every action be prosecuted and maintained by the real party in interest. If the real party in interest is no longer involved in the pending action, FRCP 17(a) provides parties with adequate time to file a substitution for the real party in interest. Under FRCP 25(c), a party may bring a motion to substitute the real party in interest when there is a transfer of interest during the course of the litigation.

When Nationstar acquired an interest in the Deed of Trust in September 2017, it became the real party in interest as Plaintiff in this litigation. This case had been stayed by order of the Court until recently, so the Parties could not seek to substitute in Nationstar during that stay. Accordingly, the Parties ask the Court to allow the substitution of Nationstar as Plaintiff, in place of Wells Fargo, pursuant to FRCP 17(a) and 25(c).

### **III. LEGAL BASIS FOR AMENDMENT OF THE COMPLAINT**

FRCP 15(a)(2) permits amendment of a complaint upon consent of the parties. The Parties here agree that the complaint may be amended and that Nationstar should be permitted to file the First Amended Complaint attached hereto as Exhibit 1. Notwithstanding this stipulation to permit the amendment, Saticoy Bay, Absolute, and the HOA reserve the right to raise all defenses and counterclaims to the First Amended Complaint.

#### **IT IS THEREFORE STIPULATED AMONG THE PARTIES HERETO THAT:**

1. Current Plaintiff Wells Fargo Bank, N.A. shall be removed as Plaintiff in this case, and Nationstar Mortgage LLC, d/b/a Champion Mortgage Company shall be substituted in its place as Plaintiff;

2. Nationstar shall be permitted to file the First Amended Complaint attached hereto as Exhibit 1; and

3. The caption of this matter shall be altered to reflect the substitution of Nationstar, to wit, it shall hereafter read as follows:

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

SATICOY BAY LLC SERIES 43  
PANGLOSS; ABSOLUTE COLLECTION  
SERVICES, LLC; PALM HILLS  
HOMEOWNERS ASSOCIATION, INC.,

Defendants.

Case No. 2:17-cv-01604-APG-GWF

1 **IT IS SO STIPULATED.**

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**ORDER**

Based upon the stipulation of the Parties, including the real party in interest,

**IT IS ORDERED** that Plaintiff Wells Fargo Bank, N.A. shall be removed as Plaintiff in this case, and Nationstar Mortgage LLC, d/b/a Champion Mortgage Company shall be substituted in its place as Plaintiff.

**IT IS FURTHER ORDERED** that Nationstar shall be permitted to file the First Amended Complaint attached to the stipulation as Exhibit 1 and shall do so within 7 days of the entry of this Order.

**IT IS FURTHER ORDERED** that the caption of this matter shall be altered to reflect the substitution of the real party in interest, to wit, the caption shall hereafter read as follows:

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

SATICOY BAY LLC SERIES 43  
PANGLOSS; ABSOLUTE COLLECTION  
SERVICES, LLC; PALM HILLS  
HOMEOWNERS ASSOCIATION, INC.,

Defendants.

Case No. 2:17-cv-01604-APG-GWF

**IT IS SO ORDERED.**

Dated: June 17, 2019



UNITED STATES MAGISTRATE JUDGE